

Introduction

The Joint Legislative Budget Committee requested that the Governor's Office of Emergency Services (OES) and the Department of Justice, Bureau of Narcotic Enforcement (BNE) submit a report describing the efforts of the California Multi-jurisdictional Methamphetamine Enforcement Team (Cal-MMET) Program coordinated by OES and the California Methamphetamine Strategy (CALMS) overseen by BNE. Both agencies contracted with California State University, Sacramento (CSUS) to conduct independent evaluations of each of the programs and to provide the Legislature with this report.

The more detailed information and data are provided in the two separate evaluations submitted to each agency. This report will highlight the significant findings from these evaluations, describe the drug enforcement environment in California, address current trends in methamphetamine production and distribution, and finally discuss the operational advantages to the continuation of state support for both Cal-MMET and CALMS.

Overview of Evaluation Findings

Cal-MMET and CALMS represent distinct yet complementary approaches to address the manufacture, distribution, and trafficking of methamphetamine in California. Cal-MMET is locally-based with the county sheriff's office taking the lead role and CALMS is part of the California Department of Justice's comprehensive approach to statewide drug enforcement. The BNE is the statewide agency whose mission is to target major drug dealers and clandestine drug manufacturers. There are documented efforts of coordination and collaboration between the local (Cal-MMET) and state (CALMS) enforcement teams. In fact, twelve of the 41 Cal-MMET projects are headed by BNE special agents in charge and work cooperatively with that local BNE task force. The other 29 Cal-MMET funded projects operate independently within their respective jurisdictions to address the methamphetamine problem unique to its area.

The outcome data from these evaluations must be placed in context. The level of funding was higher for Cal-MMET than for CALMS. Other relevant differences include the following aspects of CALMS: large number of vacancies in special agent positions; practice of providing assistance to other local agencies on a regular basis where these other originating agencies capture the arrests, seizures, and other statistics; and a departmental protocol that requires new agents to complete academy training and supervision with a field training officer prior to assuming the full role of a CALMS special agent.

Another key consideration when looking at these enforcement programs was the inadequacy of the available databases that could document the effectiveness of CALMS; while, on the other hand, Cal-MMET, as part of its project application, required

recipients to report their statistical data quarterly. Thus, it was easier to obtain and analyze outcome data for the Cal-MMET projects than for CALMS.

Cal-MMET

The primary focus of the Cal-MMET Program is on the manufacturers, distributors, and traffickers who produce or sell significant quantities of methamphetamine and the disruption and dismantling of clandestine methamphetamine labs. Whether operating independently or working with other agencies, the sheriff's office knowledge of the drug culture in its respective area strengthens its ability to respond effectively to the methamphetamine problem. The data indicate that the projects funded under this program had a measurable impact on the production and availability of methamphetamine in California. The projects seized approximately \$42 million dollars worth of methamphetamine, 44,815 grams of ephedrine and 827,366 grams of pseudoephedrine that would have been used to manufacture methamphetamine, and discovered 130 clandestine methamphetamine labs, 22 of which were super labs (i.e., laboratory that can produce more than 10 pounds of methamphetamine in one production cycle).

There were over 5,000 drug-related arrests statewide, including 3,200 methamphetamine-related arrests, and 4,311 prosecution referrals. The ten projects with grant-funded positions in the District Attorney's Office indicated that prosecutors filed 374 cases and secured the convictions of 257 defendants. Projects reported a total dollar value of approximately \$31 million for assets seized statewide. Finally, over 1,000 children were rescued from illegal drug sites and 737 individuals were referred for prosecution for violation of child endangerment laws. Ultimately, child endangerment convictions were secured for 134 individuals in the ten counties with a prosecution component.

CALMS

The primary goal of CALMS is to target major complex drug manufacturing and trafficking organizations. One of the primary strengths of CALMS is the assistance the special agents make available to other federal, state, and local agencies. All BNE special agents, including agents assigned to CALMS, are provided with extensive training, especially in the dismantling of clandestine methamphetamine labs. They also work cooperatively with other law enforcement agencies when dealing with major drug trafficking organizations (DTOs). The data confirm that the CALMS agents engage in joint investigations with other local, state, and federal agencies, whether or not they are the lead or listed as one of the assisting agencies. They use their statewide jurisdiction to strengthen these cooperative working arrangements.

Using primarily the data reported in the Daily Reports, which represent significant cases as reported by the BNE Regional Offices, there were 166 arrests, many of which resulted from joint investigations. The total street value of the methamphetamine seized was almost \$15 million. There were substantial amounts of chemical precursors seized including 1,533 grams of pseudoephedrine, 20,000 pseudoephedrine pills, and 165

gallons of methamphetamine solution. The average street value of the methamphetamine solution alone was approximately \$9 million, bringing the total amount of methamphetamine potentially removed from the street to \$24 million. Eleven clandestine methamphetamine labs were located during the study period. Department of Justice data on clandestine drug labs seized by all BNE programs during this same timeframe indicate that there were 76 labs discovered statewide. CALMS agents have sole responsibility for processing these BNE-seized labs. Additional seizures included \$2.5 million in cash and 21 vehicles. Finally, 27 children were removed from toxic environments and placed in protective custody.

Existing Drug Enforcement Strategies

There are two approaches to address the drug problem: 1) supply-reduction strategies that focus on the manufacture, distribution, and trafficking of drugs; and 2) demand-reduction strategies that focuses on prevention, education, and treatment. Law enforcement efforts focus almost exclusively on the supply-reduction side through various strategies including domestic highway enforcement, undercover operations, electronic surveillance, and inter/intra jurisdictional collaboration and cooperation.

Other drug enforcement strategies include, but are not limited to the following: drug seizures; crackdowns; raids; intensive policing; search and seizures; and arrests. Collectively, these strategies involve both proactive and reactive approaches to drug enforcement.

Federal, state, and local drug enforcement agents agree that most distributors and traffickers involved in the illegal drug trade are dealing in poly drugs, such as methamphetamine, cocaine, heroin, pharmaceuticals, and marijuana. They also agree that much of the drug offending that they deal with is cross-jurisdictional in nature. In other words, major DTOs and other manufacturers, distributors, and traffickers of drugs do not concern themselves with established boundaries, such as cities and counties. Their distribution networks operate along major highway corridors that extend throughout the state. Thus, the ability of law enforcement agencies from different jurisdictions (i.e., federal, state, and local) to create either formal or informal multi-jurisdictional task forces with the intention of improving communication and coordination has the potential to strengthen our collective ability to stem the flow of drugs into and throughout the State of California.

Current Trends in Methamphetamine Production and Distribution

Unlike the evaluations that required looking retrospectively at the accomplishments of the two methamphetamine enforcement programs (Cal-MMET and CALMS), this report must address future trends as reported by various federal and state drug enforcement agencies. Some of the information provided below was reported in “law enforcement sensitive” documents. Therefore, the relevant sections will be incorporated as needed but no source will be identified.

The methamphetamine problem historically in California dealt with the presence of clandestine labs and super labs (i.e., capable of producing more than 10 pounds of methamphetamine in one production cycle). With the concentrated federal, state, and local efforts in the late 1990s and early 2000s, the number of clandestine methamphetamine labs has dropped (the majority of labs have moved to Mexico) but not disappeared.

However, the January 2008 law passed in Mexico that prohibits the importation of any pseudoephedrine and ephedrine products is resulting in the return of Mexican DTOs to California to manufacture methamphetamine. This finding is supported by current investigative intelligence gathered by various federal drug enforcement agencies that suggest conditions are favorable to influence many methamphetamine producers to reestablish their production operations in California. This situation also reinforces the commonly held belief among drug enforcement agencies and treatment providers that the nature and extent of any drug problem is transitory over time.

Federal organizations, including the Drug Enforcement Agency and the National Methamphetamine and Chemicals Initiative, also indicate that the largest quantities of methamphetamine come from California. They point to the fact that methamphetamine continues to be manufactured and distributed by Mexican Drug Trafficking Poly Drug Organizations. San Diego and Imperial counties maintain their position as the major transshipment points for large quantities of methamphetamine and chemicals that originate in Mexico and then are distributed throughout the United States. Even with controls and restrictions on the sale of ephedrine and pseudoephedrine products in California and Mexico, investigations have revealed that pseudoephedrine is being imported into Mexico in a powder form and then smuggled into the United States, primarily California.

Operational Advantages for Supporting State and Local Methamphetamine Enforcement Efforts

State and local collaborations have historically been encouraged by policy makers because of the advantages these relationships bring to addressing a particular problem and establishing effective mechanisms for resolving some of these social problems. This is the case with the law enforcement efforts directed towards addressing the problem of the illegal drug trade, especially the manufacturing, distribution, and trafficking of methamphetamine. Each entity brings organizational strengths to these collaborations that allow their efforts to exceed the capabilities of operating independently.

Locally-based responses, like the Cal-MMET Program, are sensitive to the unique characteristics of a jurisdiction and additional state funds can be used to leverage local funding and enhance existing drug enforcement efforts. In terms of addressing the illegal drug trade at the county level through Cal-MMET, the sheriffs' officers can respond to low-level trafficking and distribution that may lead to higher-level drug trafficking individuals and organizations.

The CALMS special agents' authority to operate statewide, the existing presence of BNE regional task forces throughout the state, and the ongoing efforts of CALMS special agents to assist local law enforcement agencies are the core strengths of CALMS. BNE, via CALMS, is able to facilitate cooperation among all law enforcement agencies to address the illegal drug trade.

Summary and Conclusion

Cal-MMET and CALMS as independent programs serve the citizens of California by offering a multi-jurisdictional approach that builds on the strengths of both local and state law enforcement. Their effectiveness in addressing the methamphetamine problem in California has been demonstrated. There are also clear and distinct advantages to state (CALMS) and local (Cal-MMET) multi-agency coordination and cooperation in drug enforcement. These arrangements promote better intelligence and information sharing, allow for sharing of scarce local, state, and federal resources, increase the participating agencies' ability to leverage financial resources and personnel, strengthen investigative skills of the officers/special agents, and create stronger criminal cases that result in more convictions.

The February 2008 National Drug Control Policy Strategy report states that "...law enforcement agencies must stand ready to confront new sources of methamphetamine as traditional sources come under increasing pressure." They cite the reemergence of Canada as a source country for methamphetamine. This finding supports the position of drug enforcement agencies that as law enforcement strategies effectively dry-up one avenue for the manufacture, distribution, and/or trafficking of drugs, the offenders reevaluate their approaches to the manufacturing of methamphetamine by adopting other methods or finding new sources for the needed products, and to the distribution and trafficking of methamphetamine by creating new supply and delivery networks.

California must provide funding to support proactive and reactive law enforcement efforts to stem the production of methamphetamine and the flow of precursor chemicals and drugs into our state. With a common goal of eradicating methamphetamine in California, CALMS and Cal-MMET offer the state two opportunities to maintain a strong presence in the "War on Methamphetamine."